UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,050	08/03/2005	Juha Syri	P2519US00	4005

30671   7590   11/12/2010
DITTHAVONG MORI & STEINER, P.C.
918 Prince Street
Alexandria, VA 22314

EXAMINER
SHAHEED, KHALID W

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
11/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

	Application No.	Applicant(s)
	10/522,050	SYRI ET AL.
Office Action Summary	Examiner	Art Unit	
	KHALID SHAHEED	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _9/8/10_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-34_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-14 and 16-34_ is/are rejected.
7)☒ Claim(s) _15_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claim 17 is objected to because of the following informalities: The last limitation

of claim 17 referring to "processing the data information indicating the preference for

resulting in an order of preference for electronic mail messages for the user" is

somewhat difficult to understand and *may* contain grammatical or typographical errors.

The examiner has taken the limitation to refer to an ordered "list" as referred to in claim

Appropriate correction is required.

Specification

2.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: originally filed specification fails to clearly define "at least

one memory including computer program code for one or more programs", "A non-

transitory computer-readable storage medium carrying one or more sequences of one

or more instructions which, when executed by one or more processor"

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

at least one memory including computer program code for one or more programs

4.   Claims 32, 33 & 34 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.   Originally filed specification fails to clearly define "at least one memory including computer program code for one or more programs", "A non-transitory computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processor"

5.   Claims 1, 16 & 32-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly amended terms include

terminology for "determines" or "determining". The aforementioned terminology is not

adequately described in the specification nor has the applicant specified support for the

added terms. As a result the new terms may add additional scope to the specification.

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claims 2 & 18 recite the limitation "linguistic contents" in regards to statistical

analysis. There is insufficient antecedent basis for this limitation in the claim. The

examiner would recommend modifying the claim to "a statistical analysis of a *linguistic*

content of the electronic email message".

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1,10-13, 16-17, 26-28 & 31-34 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Schiavone et al. (US 2002/0120600) in view of Martin (US

6,606,373).

In regards to claims 1, Schiavone discloses a method comprising:

receiving an electronic mail message at the mobile station (see "receiving"; 14 in fig. 1,

[0009])

determining to indicate the electronic mail message by a level (see…."classified",

[0049]) as to a preference of the electronic mail message for a user of the mobile station

(see "indicating", [0024]-[0025];[0030]),

determining to transfer data information indicating the preference to a computing system

operating a mail agent (see "preference data" in [0055] & "data recipient agrees to

share" in [0055], "collection of recipient preference data"; [0066]), and

Schiavone does not specifically disclose receiving a list indicating the order of

preference for a plurality of electronic mail messages for the user based, at least in part

on the data information. However, such a feature is notoriously well in the art.

Martin specifically discloses disclose receiving a list indicating the order of

preference for a plurality of electronic mail messages for the user based, at least in part

on the data information (see "delivers…subscriber message index" in abstract, col. 14,

lines 48-62, "subscriber index sent" col. 15, lines 5-15, "listing" in col. 3, lines 20-25).

It would have been obvious to one of ordinary skill at the time of the invention to combine the teachings of Schiavone with that of Martin. Doing so would enhance user friendliness by allowing users to improve security for highly personal or secure data.

In regards to claims 16 & 34, Schiavone discloses the method and a non-transitory computer-readable medium carrying one or more sequences of one or more instructions which, when executed by one or more processor causes an apparatus to at least perform the following steps:

receiving an electronic mail message at a computing system operating a mail agent (see "mailing software" in fig. 5 and "communicating with server", [0060]),

determining (col. 15, lines 55-60) to process (see "processing", [0007]) the electronic mail message for resulting in an order of preference for electronic mail messages for a user of the mobile station ("function of user preference", [0007]), and

Schiavone does not specifically disclose determining to transfer a list indicating the order of preference for the electronic mail messages for the user to the mobile station.

Martin specifically discloses determining to transfer a list indicating the order of preference for the electronic mail messages for the user to the mobile station (in Martin

see "delivers...subscriber message index" in abstract, col. 14, lines 48-62, "subscriber

index sent" col. 15, lines 5-15, "listing" in col. 3, lines 20-25).

It would have been obvious to one of ordinary skill at the time of the invention to

combine the teachings of Schiavone with that of Martin. Doing so would enhance user

friendliness by allowing users to improve security for highly personal or secure data.

In regards to 17, Schiavone discloses a system for obtaining an electronic mail

service for a mobile station, the system comprising:

a mobile station for receiving an electronic mail message and for indicating the

electronic mail message by a level (see...."classified", [0049]) as to a preference of the

electronic mail message for a user of the mobile station (see "indicating", [0024]-

[0025];[0030]),

 a network (see network of fig. 5) for transferring data information indicating the

preference to a computing system operating a mail agent (see "preference data" in

[0055] & "data recipient agrees to share" in [0055], "collection of recipient preference

data"; [0066]), and

the computing system operating the mail agent for processing (see "processing",

[0007], "processing before sending", [0015]) the data information indicating the

preference (see "preferences" in [0017], [0018] & [0055])

Schiavone does not specifically disclose the preference for resulting in an order of

preference for electronic mail messages for the user (this limitation is mildly

incomprehensible and the examiner is assuming the applicant is referring to a "list" as

in other claims).

Martin discloses disclose the preference for resulting in an order of preference for

electronic mail messages for the user (see (in Martin see "delivers…subscriber

message index" in abstract, col. 14, lines 48-62, "subscriber index sent" col. 15, lines 5-

15, "listing" in col. 3, lines 20-25).

It would have been obvious to one of ordinary skill at the time of the invention to

combine the teachings of Schiavone with that of Martin. Doing so would enhance user

friendliness by allowing users to improve security for highly personal or secure data.

In regards to claims 31, Schiavone discloses a system and computer-readable

storage medium carrying one or more sequences of one or more instructions which,

when executed by one or more processor causes an apparatus to at least perform the

following steps:

a computing system operating a mail agent (see 82 in fig. 5) for receiving an

electronic mail message agent (see "mailing software" in fig. 5 and "communicating with

server", [0060]), and for processing the electronic mail message (see "processing",

[0007], "processing before sending", [0015]) for resulting in an order of preference for

electronic mail messages for a user of the mobile station (see "preferences" in [0017],

[0018] & [0055]), and

a network for transferring (see network of fig. 5)

Schiavone does not specifically disclose a list indicating the order of preference

for the electronic mail messages for the user to the mobile station

a list indicating the order of preference for the electronic mail messages for the

user to the mobile station (see "delivers…subscriber message index" in abstract, col.

14, lines 48-62, "subscriber index sent" col. 15, lines 5-15, "listing" in col. 3, lines 20-25).

It would have been obvious to one of ordinary skill at the time of the invention to

combine the teachings of Schiavone with that of Martin. Doing so would enhance user

friendliness by allowing users to improve security for highly personal or secure data.

In regards to claim 32, Schiavone discloses a mobile station for providing a user an electronic mail service, the mobile station comprising:

At least one memory including computer program code for one or more programs, the at least one memory and the computer program code configured to (see memory at [0020] & [0030]), with the at least one processor (see "processing", [0035]), cause the apparatus to perform the following:

Determine to present an electronic mail message at a mobile station (see 14 in fig. 1), and

Indicate the electronic mail message by a level (see…."classified", [0049]) as to a preference of the electronic mail message for a user of the mobile station (see "indicating", [0024]-[0025];[0030]), and

Determine to transfer data information indicating the preference to a computing system operating a mail agent, wherein the mail agent is for processing data information indicating the preference for resulting in an order of preference for electronic mail messages for the user (see "preferences" in [0017], [0018] & [0055]).

Schiavone does not specifically disclose receiving a list indicating the order of preference.

Martin discloses receiving a list indicating the order of preference (see

"delivers...subscriber message index" in abstract, col. 14, lines 48-62, "subscriber index

sent" col. 15, lines 5-15, "listing" in col. 3, lines 20-25).

It would have been obvious to one of ordinary skill at the time of the invention to

combine the teachings of Schiavone with that of Martin. Doing so would enhance user

friendliness by allowing users to improve security for highly personal or secure data.

In regards to claims 33, Schiavone discloses a non-transitory computer-

readable medium carrying one or more sequences of one or more instructions which,

when executed by one or more processor causes an apparatus to at least perform the

following steps:

receiving an electronic mail message at the mobile station (see "receiving"; 14 in fig. 1,

[0009])

 receiving, from the mobile station, an indication for the electronic mail message by a

level (see...."classified", [0049]) as to a preference of the electronic mail message for a

user of the mobile station (see "indicating", [0024]-[0025];[0030]),

determining to transfer data information indicating the preference to a computing system

operating a mail agent (see "preference data" in [0055] & "data recipient agrees to

share" in [0055], "collection of recipient preference data"; [0066]), and

       Determining to process the data information indicating the for resulting in an

order of preference for electronic mail messages for the user (see "preferences" in

[0017], [0018] & [0055]).

       Schiavone does not specifically disclose determining to transfer a list indicating

the order of preference for a plurality of electronic mail messages for the user based, at

least in part on the data information. However, such a feature is notoriously well in the

art.

       Martin specifically discloses disclose receiving a list indicating the order of

preference for a plurality of electronic mail messages for the user based, at least in part

on the data information (see "delivers…subscriber message index" in abstract, col. 14,

lines 48-62, "subscriber index sent" col. 15, lines 5-15, "listing" in col. 3, lines 20-25).

       It would have been obvious to one of ordinary skill at the time of the invention to

combine the teachings of Schiavone with that of Martin. Doing so would enhance user

friendliness by allowing users to improve security for highly personal or secure data.

In regards to claims 10 & 26, Schiavone in view of Martin discloses a method according to claims 1 & 17, wherein the preference for electronic mail message comprises at least one of electronic mail message having a relevance for the user (see various examples given in [0025]), and electronic mail message not having a particular relevance for the user (see "message rejected", "message incompatible", [0016] & "unwanted mail", "spam", [0017]).

In regards to claim 11, Schiavone in view of Martin discloses a method according to claim 1, wherein the step of indicating comprises entering an option depicting the preference by the mobile station for the electronic mail message (see "prompt" in [0044]).

In regards to claims 12 & 27, Schiavone in view of Martin discloses a method & system according to claims 1 & 17.

Schiavone in view of Martin does not disclose wherein the order of preference for electronic mail messages comprises a list, wherein the most preferred electronic mail messages are among the firsts in the list, and as the list proceeds, the less relevancy the electronic mail messages for the user establish.

Martin discloses wherein the order of preference for electronic mail messages comprises a list (see "delivers...subscriber message index" in abstract, col. 14, lines 48-

62, "subscriber index sent" col. 15, lines 5-15, "listing" in col. 3, lines 20-25), wherein the

most preferred electronic mail messages are among the firsts in the list, and as the list

proceeds, the less relevancy the electronic mail messages for the user establish (see

order presented in listing of col. 15, lines 5-15).

It would have been obvious to one of ordinary skill at the time of the invention to

combine the teachings of Schiavone with that of Martin. Doing so would enhance user

friendliness by allowing users to improve security for highly personal or secure data.

In regards to claims 13 & 28, Schiavone in view of Martin discloses a method

and system of claims 1 & 17; wherein at least a part of the electronic mail message is

contained in a message viable in a mobile environment (in Schiavone see "any device

capable of receiving electronic mail"...."a web-enabled wireless telephone").

In regards to claim 30, Schiavone in view of Martin discloses a system

according to claim 17, wherein the network comprises a mobile network (see "wireless",

[0020]) and a fixed network (see "internet" 84 in fig. 5).

10.   Claims 2-9, &18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Schiavone et al. (US 2002/0120600) in view of Martin (US 6,606,373) in further

view of in view of Horvitz (US 2004/0172457 A1).

In regards to claims 2, 4-9 & 18, 20-25 (wherein claim 2-9 depends form claim

1 and 18-25 depends on claim 17), Schiavone in view of Martin disclose the method

and system of claims 1 & 17.

Schiavone does not specifically disclose one algorithm based on a statistical

analysis of linguistic contents as covered by claim 2 and depending on claims 3-9,

claim 17 and depending on claims 18-25.

Horvitz discloses a method according to claim 1, wherein the step of processing

is based on an appliance of at least one algorithm based on a statistical analysis

("analysis", [0041], see "computational" abstract) of linguistic contents (see "Text

classifier" in fig. 2) of the electronic mail message (in Horvitz see "algorithm" in [0025]).

wherein the linguistic contents comprises Terms (in Horvitz see fig. 2, "characters,

terms" [0026]).

wherein the terms comprises predetermined character strings (in Horvitz see texts high

priority and low priority in fig. 4a and [0126] and "operate on single words", [0041]).

wherein the step of processing further comprises a selection of a relevant word (in

Horvitz see "operate on single words" in [0041]-[0042] and [0082]).

wherein the selection of the relevant word comprises dividing the electronic mail

messages into two groups: interesting ("high priority"), and not having a particular

relevancy ("low priority") ([0015] and see this in respect to "threshold" in [0008]).

wherein the step of processing further comprises an appliance of a priority model (see

"priority of the texts', [0012]-[0015], fig. 4a, and [0007]), wherein the priority model

contains beforehand established pattern for the user about the preference of the user

for certain electronic mail messages (in Horvitz, see "tokens and patterns" starting at

paragraph [0043] wherein examples are shown through paragraph [0122]).

wherein the step of processing further comprises an appliance of a message priority (in

Horvitz see "priority" [0007]-[0008] and/or [0012]-[0015]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the prior art features as disclosed by Horvitz with those of

Schiavone in view of Martin. Doing so would provide a added accuracy in assuring

critical emails are not overlooked by users receiving large amounts of email.

In regards to claims 3 & 19, Schiavone in view of Martin in further view of

Horvitz disclose the method and systems according to claims 2 & 18.

Schiavone discloses the step of processing further comprises applying a user

profile containing information about the preference of the user for certain electronic mail

messages (see "profile data", [0015]-[0021]).

11.   Claims 14 & 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Schiavone in view of Martin in further view of Tarnanen et al (US 6,834,196).

In regards to claims 14 & 29, Schiavone in view of Martin discloses a method &

system according to claims 13 & 28.

Thro does not specifically discloses the message comprises at least one of a

data packet for a transfer in a packet based mobile environment, a SMS for transfer in a

GSM environment, USSD for transfer in a GSM environment, R-data for transfer in a

TDMA environment.

Tarnanen specifically discloses the message comprises at least one of a data

packet for a transfer in a packet based mobile environment, a SMS for transfer in a

GSM environment, USSD for transfer in a GSM environment, R-data for transfer in a

TDMA environment (in Tarnanen see "USSD transfer", col. 2, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the prior art features as disclosed by Tarnanen with those of

Schiavone in view of Martin. The motivation for doing so would be to improve

compatibility and transparency between email and mobile messaging systems.

Allowable Subject Matter

12.   Claim 15 is objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Gruen et al. (US 2006/0245388 A1) discloses a method and apparatus for electronic

mail interaction with grouped message types.

14.   Any inquiry concerning this communication or earlier communications from the .

examiner should be directed to KHALID SHAHEED whose telephone number is

(571)270-5813. The examiner can normally be reached on Monday-Friday 8am-5pm;

EST; ALT Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kent Chang can be reached on 571-272-7667. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KHALID SHAHEED/

Examiner, Art Unit 2617

/KAMRAN AFSHAR/

Primary Examiner, Art Unit 2617